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OFFICE OF PETITIONS

CASE LD0192(NP)

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop Petitions.

Anastasia P. Winslow
Type or print name

Anastasia P. Winslow
Signature

February 12, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

SALVATI ET AL.

APPLICATION NO: 09/885,381

FILED: JUNE 20, 2001

FOR: FUSED HETEROCYCLIC SUCCINIMIDE COMPOUNDS AND
ANALOGS THEREOF, MODULATORS OF NUCLEAR HORMONE
RECEPTOR FUNCTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Mail Stop Petitions

REQUEST FOR RECONSIDERATION OF
NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

Sir:

This is in response to the Notice of Abandonment under 37 CFR §1.53 (f) OR (g) mailed January 14, 2004. The notice states the application was abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on 9/6/2001.

Applicants request reconsideration of the Notice of Abandonment pursuant to MPEP § 711.03 on the basis that there is no abandonment in fact. Applicants received the Notice To File Missing Parts of Nonprovisional Application Filed Under 37 CFR § 1.53(b) dated September 6, 2001. Applicants responded to the above Notice on October 9, 2001, enclosing the Declaration executed by all Applicants and authorizing that the fee of \$130 be charged to Deposit Account No. 19-3880. Enclosed are copies of (1) the date-stamped postcard dated October 11, 2001, confirming the Patent Office was in receipt of the above Response, and (2) Applicants' Response including the signed Declaration and authorization to charge the Deposit Account.

Applicants request the Notice of Abandonment be withdrawn and the status of the above-identified application be returned to active.

Applicants believe that no fee should be due for the instant Request for Reconsideration. However, in the event a fee is deemed due, the Commissioner is authorized to charge the fee or credit any overpayment to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,



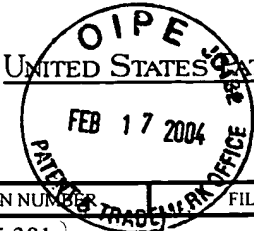
Anastasia P. Winslow
Attorney for Applicants
Reg. No. 40,875

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-6996

Date: February 12, 2004

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FEB 20 2004

OFFICE OF PETITIONS
UNITED STATES PATENT AND TRADEMARK OFFICE
 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER 09/885,381	FILING OR 371(C) DATE 06/20/2001	FIRST NAMED APPLICANT Mark E. Salvati	ATTY. DOCKET NO./TITLE LD0192(NP)
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MS PATENT LAW

JAN 16 2004

 23914
 STEPHEN B. DAVIS
 BRISTOL-MYERS SQUIBB COMPANY
 PATENT DEPARTMENT
 P O BOX 4000
 PRINCETON, NJ 08543-4000

CONFIRMATION NO. 4023

ABANDONMENT/TERMINATION
LETTER

OC000000011685760

Docketed Item _____

Due Date _____

Attorney _____

Date Mailed: 01/14/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/06/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Case No.:

L00192 (NP 128)

Application No.:

09/585,381

Mailing Date:

October 9, 2001

Due Date:

Express Mail No.:

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$ _____
- ☐ Appln. Filing Papers - Fee \$ _____
- ☐ Non-provisional
- ☐ Provisional Application
- ☐ CPA ☐ DIV ☐ CONT ☐ CIP
- ☐ Specification _____ Pg's

☒ Executed/Unexecuted Decl. - Fee \$ 130

☒ Missing Parts/Missing Req.

☐ Preliminary Amendment _____ Pg's

☐ Claim of Priority ☐ Certified Copies

☐ Amendment After Final

☐ Notice of Appeal - Fee \$ _____

☐ Appeal Brief - Fee \$ _____

☐ Issue Fee Payment - \$ _____

☐ Assignment Rec. Req. - Fee \$ _____

☐ Formal Drawings _____ Pg's

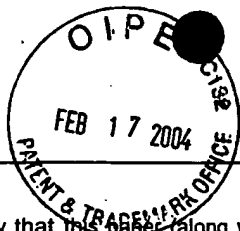
☐ IDS _____ Pg's - Fee \$ _____

☐ PTO-1499 Form _____ Pg's

☐ Pet. for Ext. of Time - Fee \$ _____

☐ Seq. Listings _____ Pg's/Seq. Disk

SEB
Initials



CASE LD0192(NP)

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Suzanne E. Babajko
Type or print name

Suzanne E. Babajko
Signature

October 9, 2001
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

SALVATI ET AL.

APPLICATION NO: 09/885,381

FILED: JUNE 20, 2001

FOR: FUSED HETEROCYCLIC SUCCINIMIDE COMPOUNDS AND
ANALOGS THEREOF, MODULATORS OF NUCLEAR HORMONE
RECEPTOR FUNCTION

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application - Filing Date Granted dated September 6, 2001 (a copy of which is enclosed) has a shortened statutory time set to expire on November 6, 2001.

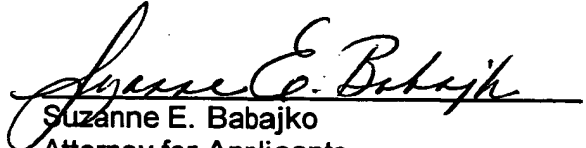
In response, applicants now submit an original of a fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-4009
Date: October 9, 2001


Suzanne E. Babajko
Attorney for Applicants
Reg. No. 32,880

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,
and

I believe I am an original, first and joint inventor of the subject matter which is claimed
and for which a patent is sought on the invention entitled

**FUSED HETEROCYCLIC SUCCINIMIDE COMPOUNDS AND
ANALOGS THEREOF, MODULATORS OF NUCLEAR
HORMONE RECEPTOR FUNCTION**

the specification of which was filed on June 20, 2001 as U.S. Application No. **09/885,381**.

I hereby state that I have reviewed and understand the contents of the above identified
specification, including the claims.

I acknowledge my duty to disclose all information which is known by me to be material to
the patentability of this application as defined in 37 C.F.R. §1.56.

I hereby claim the benefit under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign
application(s) for patent or inventor's certificate listed below and under 35 U.S.C. §365(a) of any
PCT international application(s) designating at least one country other than the United States
listed below and have also listed below any foreign application(s) for patent or inventor's
certificate or any PCT international application(s) designating at least one country other than the
United States for the same subject matter and having a filing date before that of the application
the priority of which is claimed for that subject matter:

None

I hereby claim the benefit under 35 USC §119(e) of any United States provisional
application(s) listed below:

Application No.

Filing Date

60/233,519

September 19, 2000

60/284,730

April 18, 2001

60/284,438

April 18, 2001

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and under 35 U.S.C. §365(c) of any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

None

I hereby appoint the attorneys and agents associated with **Customer No. 23914**, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications to the address associated with **Customer No. 23914**, which is currently Marla J. Mathias, Bristol-Myers Squibb Company, Patent Department, P.O. Box 4000, Princeton, NJ 08543-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST JOINT INVENTOR:

Full name : **Mark E. Salvati**

Signature :



Date :

09/19/01

(MM/DD/YY)

Citizenship : United States of America

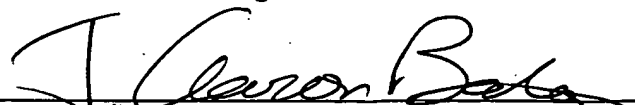
Residence : Lawrenceville, New Jersey

P.O. Address : 9 Tracey Drive
Lawrenceville, New Jersey 08648

SECOND JOINT INVENTOR:

Full name : **James Aaron Balog**

Signature :



Date :

09/14/01

(MM/DD/YY)

Citizenship : United States of America

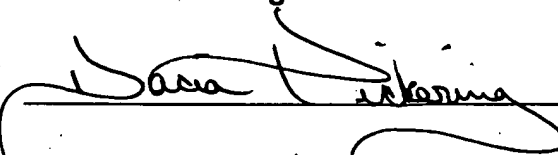
Residence : Lambertville, New Jersey

P.O. Address : 17 Terrell Road
Lambertville, New Jersey 08530

THIRD JOINT INVENTOR:

Full name : **Dacia A. Pickering**

Signature :



Date :

09/14/01

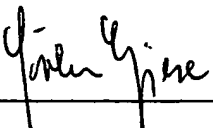
(MM/DD/YY)

Citizenship : British Virgin Islands


Residence : Lawrenceville, New Jersey

P.O. Address : 507 Drexel Avenue
Lawrenceville, New Jersey 08648


FOURTH JOINT INVENTOR:

Full name : **Sören Giese**
Signature : 
Date : 09/20/01
(MM/DD/YY)
Citizenship : **Germany**
Residence : **New Hope, Pennsylvania**
P.O. Address : **523 Windmere Way
New Hope, Pennsylvania 18938**

FIFTH JOINT INVENTOR:

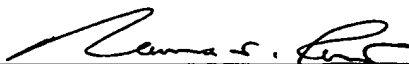
Full name : **Aberra Fura**
Signature : 
Date : 09/18/2001
(MM/DD/YY)
Citizenship : **Ethiopia**
Residence : **Lawrenceville, New Jersey**
P.O. Address : **15 Cresthill Road
Lawrenceville, New Jersey 08648**

SIXTH JOINT INVENTOR:

Full name : **Wenying Li**
Signature : 
Date : 10/04/2001
(MM/DD/YY)
Citizenship : **Chinese Peoples Republic**
Residence : **Middletown, Connecticut**
P.O. Address : **6221 Town Place
Middletown, Connecticut 06457**

SEVENTH JOINT INVENTOR:

Full name : **Ramesh N. Patel**

Signature : 

Date : October 2, 2001
(MM/DD/YY)

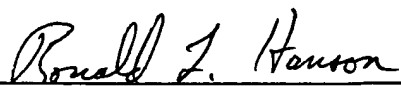
Citizenship : United States of America

Residence : Bridgewater, New Jersey

P.O. Address : 572 Cabot Hill Road
Bridgewater, New Jersey 08807

EIGHTH JOINT INVENTOR:

Full name : **Ronald L. Hanson**

Signature : 

Date : Oct. 2, 2001
(MM/DD/YY)

Citizenship : United States of America

Residence : Morris Plains, New Jersey

P.O. Address : 54 Whitewood Drive
Morris Plains, New Jersey 07950

IMPORTANT: Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.